

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

vs.

GIOVANNI J. VARGAS-MALDONADO

CASE NO. 3:16CR00168-01

**MOTION NOTIFYING VIOLATIONS OF SUPERVISED RELEASE TERM, REQUESTING
AN ARREST WARRANT AND A SHOW CAUSE HEARING**

**COMES NOW, ANDRÉS NARVÁEZ, UNITED STATES PROBATION OFFICER OF
THIS COURT, AND RESPECTFULLY INFORMS AND REQUESTS as follows:**

On May 17, 2017, Giovanni Joel Vargas-Maldonado was sentenced (Dkt. 51) to forty-eight (48) months of imprisonment, followed by a term of supervised release of three (3) years, after he pled guilty on January 20, 2017 (Dkt. 42), pursuant to a straight plea, to violation of Title 18, U.S.C. §§ 922(g)(1) and 924(a)(2) – Prohibited person, that is, a convicted felon, in possession of a firearm (Count One), and Title 18, U.S.C. §§ 922(o) and 924(a)(2) – Possession of a machinegun (Count Two). On June 2, 2017, Mr. Vargas-Maldonado appealed (Dkt. 53) the original judgment to the Honorable United States Court of Appeals for the First Circuit (USCA). On June 21, 2017, said appeal was voluntarily dismissed (Dkts. 54/ 55).

Mr. Vargas-Maldonado began his supervised release term on August 1, 2019, which is set to expire on July 31, 2022. However, Mr. Vargas-Maldonado has incurred in the following violations:

- 1. MANDATORY CONDITION NO. 1: “YOU MUST NOT COMMIT ANOTHER FEDERAL,
STATE OR LOCAL CRIME.”**
- 2. STANDARD CONDITION NO. 4: “YOU MUST ANSWER TRUTHFULLY THE QUESTIONS
ASKED BY YOUR PROBATION OFFICER.”**

3. STANDARD CONDITION NO. 10: "YOU MUST NOT OWN, POSSESS, OR HAVE ACCESS TO A FIREARM, AMMUNITION, DESTRUCTIVE DEVICE, OR DANGEROUS WEAPON (I.E., ANYTHING THAT WAS DESIGNED, OR WAS MODIFIED FOR, THE SPECIFIC PURPOSE OF CAUSING BODILY INJURY OR DEATH TO ANOTHER PERSON, SUCH AS NUNCHAKUS OR TASERS)."

4. STANDARD CONDITION NO. 13: "YOU MUST FOLLOW THE INSTRUCTIONS OF THE PROBATION OFFICER RELATED TO THE CONDITIONS OF SUPERVISION."

5. SPECIAL CONDITION NO. 1: "THE DEFENDANT SHALL NOT COMMIT ANOTHER FEDERAL, STATE, OR LOCAL CRIME, AND SHALL OBSERVE THE STANDARD CONDITIONS OF SUPERVISED RELEASE RECOMMENDED BY THE U.S. SENTENCING COMMISSION AND ADOPTED BY THIS COURT."

6. SPECIAL CONDITION NO. 2: "THE DEFENDANT SHALL NOT UNLAWFULLY POSSESS FIREARMS, DESTRUCTIVE DEVICES, AND OTHER DANGEROUS WEAPONS."

On April 26, 2022, a criminal complaint was filed before the United States District Court for the District of Puerto Rico (Case No. 22-MJ-00478 (GLS)/ Dkt. 1) charging Mr. Vargas-Maldonado with a violation of Title 18, U.S.C. § 922(g)(1) - Felon in possession of ammunition.

According to the complaint/sworn affidavit, on April 25, 2022, at approximately 8:30pm, Puerto Rico Police Department (PRPD) agents were conducting preventive patrolling within the Morel Campos neighborhood in the municipality of Ponce, Puerto Rico, as part of a crime prevention plan, when they observed a white RAM pick-up truck with dark tinted windows and bearing Puerto Rico license plate 1027553, being driven erratically and at a high speed between the Colón and Shanghai streets. PRPD agents further observed when the subject vehicle almost hit another vehicle that was exiting the Colón Street. PRPD agents proceeded to perform a traffic stop on the subject vehicle, which they were able to

stop in front of a house located at 20 Sonrisa Street, Ponce, Puerto Rico. Upon exiting the patrol vehicle, PRPD agents commanded the occupants of the subject vehicle to lower the windows and to open the doors for officer safety reasons. The male individual on the front passenger seat of the pick-up truck, opened the door and asked the agents, in a high tone, the reason why the vehicle had been detained. Shortly after, the male individual on the passenger's rear seat of the pick-up truck lowered the window and showed his hands to the PRPD agents. The agents recognized this last individual to be Giovanni Vargas-Maldonado. When PRPD agents ordered Mr. Vargas-Maldonado to exit the pick-up truck, they observed an extended pistol magazine loaded with twenty-five (25) rounds of .45 caliber ammunition visible in the area where Mr. Vargas-Maldonado had been seated. PRPD agents handcuffed and arrested Mr. Vargas-Maldonado. On April 26, 2022, Mr. Vargas-Maldonado was arrested by federal authorities. He is currently under the custody of the Federal Bureau of Prisons, waiting to be brought before the U.S. Magistrate Judge Giselle López-Soler, for Initial Appearance.

WHEREFORE, in lieu of the aforementioned violation, it is respectfully requested that an arrest warrant be issued against Mr. Vargas-Maldonado, to be lodged as a detainer, so that he may be brought before this Court to show cause why his supervised release term should not be revoked.

In San Juan, Puerto Rico, this 29th day of April 2022.

Respectfully submitted,

LUIS O. ENCARNACION-CANALES, CHIEF
U.S. PROBATION OFFICER

s/ Andrés Narváez
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CERTIFICATE OF SERVICE

I HEREBY certify that on April 29, 2022, I electronically filed the foregoing motion with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the corresponding parties.

In San Juan, Puerto Rico, this 29th day of April 2022.

LUIS O. ENCARNACION-CANALES, CHIEF
U.S. PROBATION OFFICER

s/ Andrés Narváez
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